



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable W. A. Davis
State Registrar
Texas State Board of Health
Austin, Texas

Dear Sir:

Opinion No. 0-5990

Re: (1) Can an individual
legally change his name
without an order issued
by a district court?

(2) Does the law require
an illegitimate to take
the surname of its mother?
If not, then what is the
legal surname of an il-
legitimate?

Your letter of March 23, 1944, requests this de-
partment's opinion on the following:

"I am frequently asked two questions by the
County officials, as follows:

"(1) Can an individual legally change his
name without an order issued by a District Court?

"(2) Does the law require an illegitimate to
take the surname of its mother? If not, then
what is the legal surname of an illegitimate?"

To your first question we answer, Yes. The statu-
tory provisions authorizing court procedure to change one's
name is not exclusive. It is a cumulative remedy. The rule
is stated as follows:

"In the absence of a statute to the contrary,
a person may ordinarily change his name at will,
without any legal proceedings, merely by adopting

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another name. He may not do so, however for fraudulent purposes. In most jurisdictions, a change of one's name is regulated by statutes which prescribe the proceedings by which such change is to be accomplished. These statutes merely affirm, and are in aid of, the common-law rule. They do not repeal the common law by implication or otherwise, but afford an additional method of effecting a change of name. The statutory method of changing one's name has distinct advantages: it is speedy, definite, and constitutes a matter of record which is easily proved even after the death of all contemporaneous witnesses." Names, 38 Am. Jur., p. 610, par. 28. See also, Presley v. Wilson (Dallas C. A., 1939), 125 S. W. (2d) 654.

Your second question was answered by this department in Opinion No. 0-3525 addressed to you; copy of this opinion is attached hereto.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By 

David Wuntch
Assistant

DW:db

Enclosure



